

Internal Revenue Service
memorandum

date: March 27, 2001

to: Meg Crouse, Appeals Team Case Leader
LMSB, Area 1

from: James C. Fee, Jr.
Associate Area Counsel (LMSB Area 2)

TL-N-1291-01
JEBecker, Jr.

subject: Consent for Statute Extension for [REDACTED]

DISCLOSURE STATEMENT

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Reference is made to your request for advice concerning how the caption of the Form 872 should read given [REDACTED]'s recent acquisition by [REDACTED], and concerning who should sign the Form 872.

FACTS

The [REDACTED] changed its name to [REDACTED] after the case involving its Form 1120 for the taxable year [REDACTED] was assigned to Appeals. On

[REDACTED] was purchased through a stock acquisition by [REDACTED]. [REDACTED] continues to exist as a wholly-owned [REDACTED]. The Form 872 which extended the statute of limitations for [REDACTED] to [REDACTED] is contained in the file. It was signed by the Senior Vice President & Chief Financial Officer of [REDACTED].

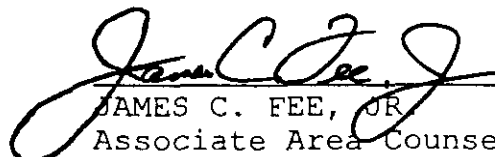
DISCUSSION

Since [REDACTED] is still in existence, the format of the Form 872 which was used to extend the statute of limitations to [REDACTED] is acceptable. However, we suggest that an asterisk (*) be added at the top of the current waiver after "...Subsidiaries)". At the bottom of the form, the following language should be added:

"* This waiver is with respect to the consolidated tax liability of [REDACTED] (formerly The [REDACTED]), EIN: [REDACTED], for the taxable year ended [REDACTED]."

Concerning who is to sign the waiver, I.R.C. §6062 provides that a corporation's tax returns must be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer duly authorized to sign the return. The fact that a person's name appears on a corporate tax return is prima facie evidence that that person is authorized to sign that return. Revenue Ruling 84-165 provides that any such officer may sign a consent, whether or not that person was the same individual who signed the return. If [REDACTED], who signed the previous consent, is still the senior vice-president and chief financial officer, he could sign the waiver. So could any other officer of the corporation as specified by the revenue ruling.

If you have any questions concerning this memorandum, please call Attorney John E. Becker, Jr. at 215-597-3491.


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